

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

NICOLE M BURNS

Claimant

APPEAL NO. 20A-UI-10358-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/09/20

Claimant: Appellant (1)

871 IAC 24.9(1)b – Timely Appeal of Monetary Determination
Iowa Code § 93.5-4 – Determination of Benefits
Iowa Code § 96.4(4) – Monetary Eligibility and Subsequent Benefit Year

STATEMENT OF THE CASE:

The claimant appealed a monetary determination dated August 17, 2020, that denied benefits because of not having sufficient wages in the base period to be eligible to draw benefits. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on October 14, 2020. The claimant participated in the hearing.

ISSUE:

The issues are whether the claimant's appeal is timely and whether she is eligible to receive benefits during the current benefit year.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: A monetary record was mailed to the claimant's last known address of record on August 17, 2020. The claimant received the record. The record contained a warning that an appeal must be postmarked or received by the Appeals Section within ten days of the date of mailing. The appeal was not filed until August 28, 2020, which is after the expiration of the ten-day appeal period. The claimant was ill with COVID-19 during the appeal period and could not file her appeal within the ten-day period allowed. Under these circumstances, the administrative law judge finds the claimant's appeal is timely.

The claimant filed for unemployment insurance benefits with an effective date of August 9, 2020. The claimant's base period of employment includes the second quarter of 2019 through the first quarter of 2020. The claimant earned \$0.00 during her base period of employment. She was a self-employed nanny from November 4, 2019 through March 13, 2020. Her employment ended due to COVID-19 because the female member of the household she worked for is a teacher and consequently the family did not need the claimant's services once schools closed and the female member of the household was no longer working outside the home.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible to receive benefits during the current benefit year from other employers.

Iowa Code section 96.4(4)a-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest, provided that the individual has been paid wages for insured work totaling at least three and six-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

The claimant did not have sufficient wages in the base period from (other) employers to be eligible to draw benefits. The claimant is not eligible to receive benefits during the current claim year beginning August 9, 2020.

DECISION:

The August 17, 2020, monetary record is affirmed. The claimant is not eligible to receive benefits during the current claim year beginning August 9, 2020.



Administrative Law Judge

October 16, 2020

Decision Dated and Mailed
JE/sam